

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1998-49-C - ORDER NO. 2022-81

FEBRUARY 8, 2022

IN RE: Application of Horry Telephone Cooperative, Incorporated (f/k/a HTC Communications, LLC) for a Certificate of Public Convenience and Necessity to Provide Local Exchange Service to Customers in Horry County and Portions of Georgetown County	)	ORDER APPROVING DISCONTINUANCE OF PROVISION OF SERVICES AND ASSOCIATED FEATURES
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This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of the Application of Horry Telephone Cooperative, Incorporated (f/k/a HTC Communications, LLC) (the “Applicant” or “HTC”) to discontinue its provision of wireline services and associated features, pursuant to S.C. Code Ann. Section 58-9-300 (Supp. 2021), which were provided voluntarily to Grand Palms Resort (“Resort”). The specific HTC wireline services and associated features being discontinued are the telecommunications service that HTC has voluntarily provided to a small number of permanent residents at the Resort, which are located in HTC’s ILEC territory, by way of a Resort (customer)-owned copper facility. The Application is granted.

**I. DISCUSSION AND APPLICABLE LAW**

HTC has voluntarily provided telecommunications services to a small number of permanent residents at the Resort, which are located in HTC’s ILEC territory, by way of a Resort (customer)-owned copper facility. The Resort has communicated to HTC its plans to abandon this facility rather than repair it, as the Resort is anticipating significant damage

to the facility from nearby construction. This will affect HTC's ability to continue to provide services. In fact, once the Resort abandons the copper infrastructure, HTC will not have its own facility to provide service to the few customers located in this area.

The Resort currently has a long-term contract with Spectrum and it provides hospitality Wi-Fi and CATV services, as well as offers voice service via Wi-Fi. The Resort charges its owners for communications services while the Resort is under contract with Spectrum for these services. Additionally, Spectrum has facilities in the Resort to provide and offer voice and data services directly to affected subscribers. The Resort is also able to offer these services directly to affected subscribers as a result of its contract with Spectrum.

By way of background, the Resort did not permit HTC to install facilities or equipment into the community during its initial construction. HTC is seeking agreement from the Commission that HTC no longer has an obligation to provide service as the carrier of last resort in the Grand Palms Resort pursuant to South Carolina Code Section 58-9-297.

(A) No other communications service provider, including without limitation a carrier of last resort as defined in Section 58-9-10(10), shall be obligated to provide any communications service to the occupants of the property described herein if an owner or developer of any multi-tenant business or residential property, including without limitation apartments, condominiums, subdivisions, office buildings, or office parks:

(1) permits only one communications service provider to install its facilities or equipment during the construction phase of the property;

(2) accepts or agrees to accept incentives or rewards from a communications service provider to the owner, developer, or occupants of the property that are contingent upon the provision of communications service by that

communications service provider to the exclusion of other providers of communications service;

(3) collects from the occupants of the property charges for the provision of communications service to the occupants in any manner, including without limitation through rent, fees, or dues; or

(4) enters into an agreement with a communications service provider that is in violation of Section 58-9-295.

(B) If any communications service provider is relieved of an obligation to provide communications service to occupants of property pursuant to subsection (A), the communications service provider may voluntarily provide communications services to the occupants of that property, and the public service commission must not impose any requirements related to the terms, conditions, rates, or availability of this service.

§ 58-9-297. A carrier of last resort is defined in section 58-9-10(10) (Supp. 2021):

(10) The term “carrier of last resort” means a facilities-based local exchange carrier, as determined by the commission, not inconsistent with the federal Telecommunications Act of 1996, which has the obligation to provide basic local exchange telephone service, upon reasonable request, to all residential and single-line business customers within a defined service or geographic area. A carrier of last resort may meet its obligation by using any available technology of equal or greater service quality than is required by applicable commission regulations as of the effective date of this item, including, but not limited to, the provision of a broadband connection that allows the customer to access basic voice grade local service from the carrier of last resort or other available voice provider of the customer's choice. Notwithstanding any other provision of law, and regardless of the technology used, the basic voice grade local service provided to meet this obligation is subject to the commission's jurisdiction with respect to service quality and rates, and is entitled to USF support. Initially, the incumbent LEC must be a carrier of last resort within its existing service area.

§ 58-9-10(10).

Prior to filing this request with the Commission, HTC discussed this matter with representatives from the Office of Regulatory Staff (ORS) on May 17, 2021, and October 6, 2021. According to HTC representations, ORS concurred that HTC should “forego its obligation to provide service in Grand Palms due to Spectrum’s service exclusivity and due to the economic infeasibility of constructing a fiber facility to electively serve a small subset of customers.” HTC Letter to Commission, dated October 18, 2021, ¶4. ORS did not challenge or dispute this representation by HTC in this Docket. There were no objections to HTC’s request.

## **II. FINDINGS OF FACT**

Based on the Application and statements of Horry Telephone Cooperative, Incorporated, f/k/a HTC Communications, LLC, the Commission finds as follows:

1. Horry Telephone Cooperative, Incorporated, f/k/a HTC Communications, LLC, has voluntarily provided services to a small number of permanent residents at the Resort, which are located in HTC’s ILEC territory, by way of a Resort (customer)-owned copper facility.
2. The Resort has communicated to HTC its plans to abandon this facility rather than repair it, as the Resort is anticipating significant damage to the facility from nearby construction.
3. This new construction will affect HTC's ability to continue to provide services. In fact, once the Resort abandons the copper infrastructure, HTC will not have its own facility to provide service to the few customers located in this area.

4. The Resort currently has a long-term contract with Spectrum, and it provides hospitality Wi-Fi and CATV services, as well as offers voice service via Wi-Fi. The Resort charges its owners for communications services while the Resort is under contract with Spectrum for these services.

5. The Resort did not permit HTC to install facilities or equipment into the community during its initial construction.

6. HTC seeks to be released by the PSC from any obligation to provide service as the carrier of last resort in the Grand Palms Resort pursuant to South Carolina Code Section 58-9-297.

7. HTC did provide this same information to the Office of Regulatory Staff on May 17, 2021, and on October 6, 2021 prior to the filing of this Application with the Commission.

8. HTC represents to the Commission that the Office of Regulatory Staff did not express any objection and further concurred through HTC that HTC may forego its obligation to provide service in the Grand Palms Resort due to Spectrum's exclusive service and due to the economic infeasibility of constructing a fiber facility to effectively serve a small subset of customers.

9. There are only seven (7) dial tone customers and thirty-three (33) DSL subscribers being served by HTC, and they are geographically spread across the twenty-four (24) building Grand Palms Resort community.

10. Once HTC no longer provides services through the existing customer-owned facility, the forty (40) customers and subscribers will be able to get their voice and

data services from Spectrum who does have a facility in the Resort, or through the Resort directly.

11. HTC makes this request due to the specific circumstances that exist. The affected subscribers will be able to get their voice and data services from Spectrum that does have a facility in the Resort, or from the Resort directly.

12. HTC provided a copy of the notice to its affected subscribers about this change and discontinuation of service.

### **III. CONCLUSIONS OF LAW**

Based on the Application and statements of Horry Telephone Cooperative, Incorporated, f/k/a HTC Communications, LLC, the Commission concludes as follows:

1. The Commission concludes, pursuant to sections 58-9-297 and 58-9-10(10), that the public convenience and necessity will not be adversely affected by HTC foregoing its obligation to provide service in the Grand Palms Resort as a carrier of last resort pursuant to 58-9-10(10) (Supp. 2021).

2. The Commission concludes that HTC providing the affected customers and/or subscribers with thirty (30) days advanced notice will allow all affected customers and/or subscribers sufficient time to obtain services from ample alternatives available including, but not limited to, directly from Spectrum or from the Grand Palms Resort.

3. The Commission concludes that HTC is relieved from its obligation to provide service in the Grand Palms Resort due to Spectrum's exclusive service and due to the economic infeasibility of constructing a fiber facility to effectively serve a small subset of customers.

#### IV. ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

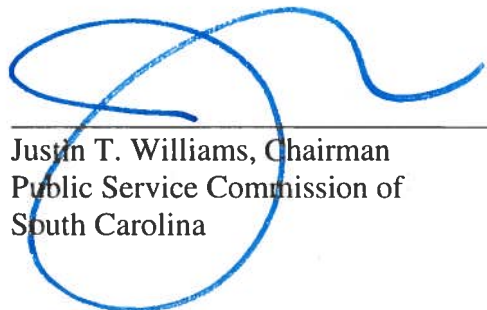
1. Horry Telephone Cooperative, Incorporated, f/k/a HTC Communications, LLC, is no longer the carrier of last resort for any subscribers in the Grand Palms Resort.

2. Horry Telephone Cooperative, Incorporated, f/k/a HTC Communications, LLC, does not have an obligation to serve any customers or potential customers within the Grand Palms Resort.

3. Horry Telephone Cooperative, Incorporated, f/k/a HTC Communications, LLC, shall file confirmation, or proof of notification, with the Commission and copy to the Office of Regulatory Staff that all affected customers and/or subscribers were provided written thirty (30) day advanced notice, by first class mail or in the manner selected by the customer and/or subscriber for communication from HTC, related to discontinuation of service so that such affected customers or subscribers can have time to obtain service from the alternatives available.

4. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



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Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina